

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	
	:	
UNITED STATES OF AMERICA	:	<u>SUPERSEDING</u>
	:	<u>INDICTMENT</u>
- v. -	:	
	:	S1 19 Cr. 909 (KPF)
MICHAEL BARRETO,	:	
	:	
Defendant.	:	
	:	
- - - - -	X	

COUNT ONE
(Production of Child Pornography)

The Grand Jury charges:

1. From at least in or about November 2017 up to and including in or about July 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and mailed, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and

transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, BARRETO recorded a video of a minor ("Victim-1") engaging in sexually explicit conduct.

(Title 18, United States Code, Sections 2251(a), (e) and 2.)

COUNT TWO
(Possession of Child Pornography)

The Grand Jury further charges:

2. From at least in or about July 2019 up to and including in or about September 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, BARRETO possessed a video depicting Victim-1 engaging in sexually explicit conduct.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2) and 2.)

COUNT THREE
(Enticement)

The Grand Jury further charges:

3. From at least in or about November 2017 up to and including in or about July 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, knowingly used the mail and a facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in prostitution and sexual activity for which a person can be charged with a criminal offense, to wit, BARRETO electronically communicated with Victim-1 to establish a relationship and meet with Victim-1, in order to engage in sexual activity with Victim-1, in violation of New York Penal Law § 130.55.

(Title 18, United States Code, Sections 2422(b) and 2.)

COUNT FOUR
(Enticement)

The Grand Jury further charges:

4. From at least in or about July 2008 up to and including in or about September 2008, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, knowingly used the mail and a facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in prostitution and sexual activity for which a person can be charged with a criminal offense,

to wit, BARRETO electronically communicated with an individual who had not attained the age of 18 years ("Victim-2") to meet with Victim-2, in order to engage in sexual activity with Victim-2, in violation of New York Penal Law § 130.55.

(Title 18, United States Code, Sections 2422(b) and 2.)

COUNT FIVE
(Enticement)

The Grand Jury further charges:

5. From at least in or about January 2011 up to and including in or about July 2014, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, knowingly used the mail and a facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in prostitution and sexual activity for which a person can be charged with a criminal offense, to wit, BARRETO electronically communicated with an individual who had not attained the age of 18 years ("Victim-3") to meet with Victim-3, in order to engage in sexual activity with Victim-3, in violation of New York Penal Law § 130.20.

(Title 18, United States Code, Sections 2422(b) and 2.)

COUNT SIX
(Production of Child Pornography)

The Grand Jury further charges:

6. From at least in or about August 2019 up to and including in or about September 2019, in the Southern District of New York

and elsewhere, MICHAEL BARRETO, the defendant, did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and mailed, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, BARRETO communicated with a minor ("Victim-4") and encouraged Victim-4 to send Barreto visual depictions of Victim-4 engaged in sexually explicit conduct.

(Title 18, United States Code, Sections 2251(a), (e) and 2.)

COUNT SEVEN
(Enticement)

The Grand Jury further charges:

7. From at least in or about December 2018 up to and including in or about February 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, knowingly

used the mail and a facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in prostitution and sexual activity for which a person can be charged with a criminal offense, to wit, BARRETO electronically communicated with an individual who had not attained the age of 18 years ("Victim-5") to meet with Victim-5, in order to engage in sexual activity with Victim-5, in violation of New York Penal Law § 130.55.

(Title 18, United States Code, Sections 2422(b) and 2.)

COUNT EIGHT
(Production of Child Pornography)

The Grand Jury further charges:

8. From at least in or about November 2018 up to and including in or about January 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and mailed, which visual depiction was produced and transmitted using materials that had been mailed,

shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, BARRETO communicated with a minor ("Victim-6") regarding sexual topics, causing Victim-6 to send Barreto a visual depiction of Victim-6 engaged in sexually explicit conduct.

(Title 18, United States Code, Sections 2251(a), (e) and 2.)

COUNT NINE
(Production of Child Pornography)

The Grand Jury further charges:

9. In or about December 2018, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and mailed, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign

commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, BARRETO communicated with a minor ("Victim-7") and encouraged Victim-7 to send Barreto a visual depiction of Victim-7 engaged in sexually explicit conduct.

(Title 18, United States Code, Sections 2251(a), (e) and 2.)

FORFEITURE ALLEGATION

10. As a result of committing the offenses alleged in Counts One, Two, Six, Eight, and Nine of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253: (1) any visual depiction described in section 2251, 2251A, or 2252 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter; (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including but not limited to a sum of money in United States currency representing

the amount of proceeds traceable to the commission of said offenses.

11. As a result of committing the offenses alleged in Counts Three, Four, Five, and Seven of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428: (1) his interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violations; and (2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violations, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Asset Provision

12. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(b), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 2253(b) and 2428;
Title 21, United States Code, Section 853(p);
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MICHAEL BARRETO,

Defendant.

SUPERSEDING INDICTMENT

S1 19 Cr. 909 (KPF)

(18 U.S.C. §§ 2251(a) and (e);
2252A(a)(5)(B) and (b)(2); 2422(b);
and 2.)

AUDREY STRAUSS

Acting United States Attorney



Foreperson
